

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RONALD O'NEAL CALVIN,

Petitioner,

vs.

E. K. MCDANIELS, et al.,

Respondents.

Case No. 3:08-CV-00033-LRH-(RAM)

**ORDER**

In response to the Court's Order (#40) directing Petitioner to decide what to do with his unexhausted grounds, Petitioner has filed a Motion to Answer Order (#41), in which he asks to dismiss this action while he returns to state court. The Court grants his request.

Petitioner has submitted a Motion for the Appointment of Counsel (#42). This motion is moot because the Court is dismissing the action.

In the Court's previous Order (#40), it held that it would deny Petitioner's Motion for Stay and Abeyance (#38), but the Court did not enter an order to that effect. The Court corrects that omission here.

IT IS THEREFORE ORDERED that Petitioner's Motion for the Appointment of Counsel (#42) is **DENIED** as moot.

IT IS FURTHER ORDERED that Petitioner's Motion for Stay and Abeyance (#38) is **DENIED**.

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1 IT IS FURTHER ORDERED that Petitioner's Motion to Answer Order (#41) is  
2 **GRANTED**. This action is **DISMISSED** without prejudice. The Clerk of the Court shall enter  
3 judgment accordingly.

4 DATED this 6<sup>th</sup> day of October, 2009.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE